Quid Novi

VOL. IV NO. 23 McGILL UNIVERSITY FACULTY OF LAW March 28, 1984
FACULTE DE DROIT UNIVERSITE McGILL 28 mars, 1984

ELECTIONS

by Rick Goossen

Seventy-five percent of the law student electorate went to the polls last Thursday to vote on next year's LSA Council.

Four positions were filled by acclamation: Rob Smith as LLB II Class President, Seti Hamalian as BCL III Class President, Hartland Paterson as LLB III Class President, and Ian "75 wpm" Fraser as Secretary.

The two other class president positions were contested. Jill Huggesen fought a tough campaign, combined with a good voter turn-out to snatch the coveted BCL/LLB IV Class President position. Neil Drabkin managed to fend off three opponents to take the BCL II Class President Crown.

The position of Treasurer was captured by Yves Ménard. Claiming to be a Marc Lalonde with hair, Ménard was confident that the LSA would turn a profit in the coming fiscal year. When asked how he would accomplish this, Ménard admitted he would be building on the work of the previous treasurer, Paul Dunn. Dunn invested in a speculative venture in Calgary of using cowpies as an alternative fuel source.

Ian Bandeen was swept to victory as Vice-President, University Affairs. Bandeen attributed his victory in this year's election to a

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Report On Senate

In its last two meetings, Senate has been dealing with the report of the Ad Hoc Committee on Sexual Harassment. The report recommends establishing a Standing Committee on Sexual Harassment which will have educative, administrative and quasi-judicidal roles.

The definition proposed is somewhat vague. This was intentional, as it is realized that sexual harassment can be very subtle, and can occur over a period of time. In the report, it is defined as:

"unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is inappropriate; or

"implied or expressed promises of reward for complying with a sexually-oriented request; or

"any request of denial of opportunity or implied or expressed threat or reprisal or denial of opportunity for refusal to comply with a sexually oriented request; or

"sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work or study."

A complaint can be brought by any member of the University against a faculty member, a University employee or a student. The proposed Committee will have an informal mechanism to help someone who feels they have been harassed but is unsure whether to proceed with a complaint. The identities of the parties will be kept confidential and, if the complainant agrees, an attempt will be made to resolve the problem through discussion and mediation. Should the complainant decide to lodge a formal complaint, the Committee will act as an adjudicatory body.

In addition to dealing with specific cases, the Committee has a general mandate to "collect information and to educate the University community about the issue of sexual harassment". The procedures have been designed to be as flexible as possible in order to en-

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"American Foreign Policy and Human Rights Advocacy"
by Aryeh Neier
Americas Watch, New York
Member of Numerous fact-finding missions to Latin American countries

Monday, April 2nd
1:00 p.m.
McGill Moot Court
3644 Peel St.

Sponsored by: McGill Human Rights Advocacy Group, McGill International Law Societ, Censorwatch, Forum National.

Elections du Conseil: élections anglaises

La semaine dernière fut choyée en termes d'activités politiques ou plutôt électorales. En effet la séance annuelle d'élection du conseil étudiant donne toujours l'occasion à un tapissage mural en règle, un mitrailage de slogans et une kyrielle de discours assomants. Tous les candidats sont généralement des agents impliqués dans leur milieu. En cela je ne mets pas en doute leur bonne foi mais on ne peut nier qu'à défaut d'idées et programmes originaux, les candidats se sont contentés en grande majorité de répéter inlassablement la même chanson qui comme un disque égratiqué sautait à chaque nouvelle présence. Mais cela fait parti du jeu et est inévitable dans les circonstances. Ce qui est plus dramatique d'autre part est la faible (disons misérable) participation francophone à tous les points de vue. J'admets que notre inscription à une université anglophone fait partie d'un choix librement posé mais ce n'est certes pas raison suffisante pour dédaigner à tel point la vie étudiante et ses élections. Un bref regard sur las liste des candidatures nous fait réaliser qu'il n'y avait qu' un seul candidate francophone sur 33!!

Ne cherchons pas plus loin et ne nous étonnons pas que le discours électoral et l'affichage en français aient brillés pas leur absence. Les candidats (à part 6 qui sont parfaits bilingues) n'ont que balbutiér quelques phrases en français, pour la forme, à leur présence au podium. Et encore la plupart n'ont même pas fait cette dépense. Crosby n'aurait pas agit différement!!

Mais comprenez moi bien, il ne s'agit pas d'une critique exclusivement lancée aux anglophones. Le triste résultat de la semaine dernière n'est que le reflet fidèle de l'intérêt et de l'implication francophone à la vie de la faculté. Que ce soit au journal, à la revue, aux partys, au Conseil Etudiant, les francophones n'en sont pas. Et c'est un véritable cercle vicieux: pas de participation, pas de représentation; pas de représentation, pas d'intérêt, pas de participation.

D'accord il est vrai que les efforts pour franciser les activités ne sont pas très grands mais pourquoi devraient-ils l'être devant une si éclatante manifestation de notre existence! Un point de départ serait l'assistance aux assemblées, (posez-les vos questions en français), les affichages des activités devraient être dans les deux langues, etc....

Il y a fondamentalement une situation et une attitude à modifier et si nous ne faisons pas le premier pas, personne ne le fera pour nous. La semaine prochaine devraient avoir lieu des reunions pour le formation d'un comité sur la place du français dans la faculté. Avis aux intéressés.

Francis Lopez

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courage people not to be afraid or embarrassed to bring complaints forward.

The report is detailed, and it is clear that the committee has put a great deal of time and effort into the proposal. Nevertheless, I feel there are some problems with the structure. The Committee can recommend a broad range of sanctions. In the case of a student, penalties range from admonishment to expulsion from the University. However, apart from a statement that proceedings will be conducted in accordance with principles of natural justice, there are no built-in procedural safeguards for the parties. It was pointed out that it was intended that the Committee itself would draft its own procedural rules, but I still felt that a bit more should be put in the proposal. As well, there must be arbitration before a faculty member, or a staff member under contract, can be dismissed. (This is an existing term of of employment, not a recommendation of the Committee). For a student, there is only an appeal to the Principal for a defect in procedure, breach of natural justice or appropriateness of the disciplinary measure. It was this disequilibrium that caused some members of Senate, including myself, to send this part of the report back to the Committee for reconsideration. Amendments to the proposal will be presented at the next Senate meeting.

Also at the next meeting, Senate will receive a report concerning the De Voe-Holbein affair, will deal with a motion concerning University funding of the proposed athletics complex (for which you have been paying $7.50 per term for the past year and a half), and will begin deliberations on the proposed Charter of Students' Rights. I'll have more on the charter next week.

Tim Baikie

MORROW

Law in Lotusland

Flown in via the Vancouver to Montreal "red eye special", Stuart B. Morrow from Davis & Co. spoke on the "Articling Experience in B.C.".

Morrow explained the recent departure by the BC Bar from the previous hiring practices where there was a two-week period (end of August) during which students were hired. This rule operated on a consensus basis, and this cooperative venture has now disintegrated. The previous rules, which benefited out-of-province students, have been abandoned altogether.

The articling program in B.C. is also undergoing a change. Previously, students worked for a twelve-month period and enrolled in evening courses. "This was an insufficient procedure", according to Morrow, as the poor materials used did not adequately train students.

As a replacement, the B.C. Bar has developed the "Professinal Legal Training Course" which consists of a 2 1/2 month block of courses. The PLTC appeared to Morrow to be a compromise between the previous program and the six-month course offered in Ontario. Morrow cautioned that this program is still "very much in its infancy".

SPRINGATE

George Springate -- "Electronic Media"

by Ian Fraser

George Springate was a student here the year the new building opened. Now he broadcasts sports for CBC-TV -- having been a publisher, an Alouette, and an MNA in the meantime. "Most students think they have to work in some law factory when they graduate," Springate said. "Well, of the fifty-six in my class, fewer than twnety are now practising".

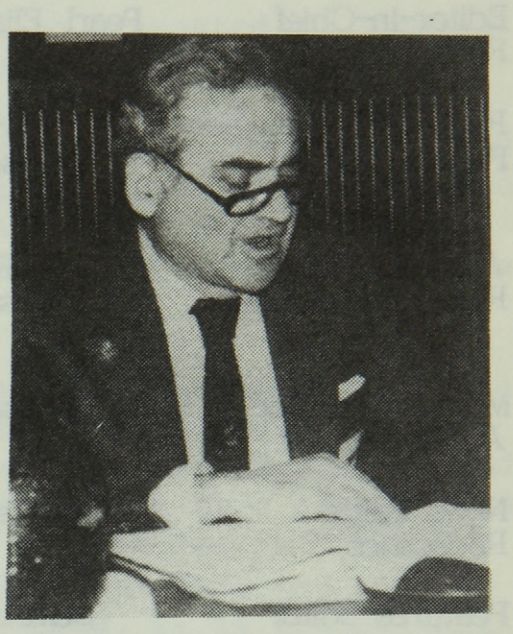
George Springate, who never articled, thinks ordinary practice a little dull, not competitive enough, and too secure: "Think Ogilvy, Renault's hard to break? Try going for one of the five anchorperson jobs in Montreal".

A BCL doesn't really help if you're a newsreader who only reads the news. It doesn't take much, says Springate, but sports-casters are different. They are almost the only people in TV news, who write as well as read, and can editorialize as they go. So do you need a law degree to broadcast sports? "Of course not. But it didn't hurt Howard Cosell". Anything that sets you apart is useful. Law can be of more specific assistance for behind-the-scenes radio and TV work in production, and, especially, in higher-level management.

GOLD

The Art of Advocacy

Chief Justice of the Quebec Superior Court, Alan Gold, gave a very lively and informative presentation on litigation in Quebec, or, as he described it, "The Art of Advocacy". Much of Gold's message to the students came across in the form of easily remembered and often humorous quips such as "A lawyer's biggest enemy is his own client", and "Be brief, make your point, and sit down!". In addition, Gold's remarks brought out some subtleties of court room argument such as his rule of thumb to those counsel engaged in cross-examination of a witness: "Never ask a question to which you don't know the answer".



In a system where you typically have a client who is lying and your adversary is in a similar position, Gold reminded the students of the importance of being a gentleman/woman, of treating the witness as a friend and of restraining any impulse to overwhelm the judge with complicated language and complex logic. Finally, "If the judge is reading -- you don't talk". One thing is certainly clear; should Gold ever decide to leave the bench, a career as a stand-up comic would undoubtedly be successful.

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Editorial
TEACHERS' ASSISTANTS

This is my annual tirade against the conspicious absence of comprehensive teaching assistant programs in the law faculty. Vitually all undergraduate faculties make extensive use of teaching assistants, who are an especially effective antidote to large and impersonal classes. In first and second years, we all know that large classes and high student teacher ratios compound the difficulties inherent in studying law for the first time.

So why don't we get teacher's assistants for large classes that are usually the basic or mandatory classes: Torts, Obligations, and so on? Why don't we get teacher's assistants in the light of the Faculty Review which recommended faculty funding be increased in order to expand and ameliorate academic and physical conditions in the faculty? A recent interview with Associate Dean Simmonds answered some of those questions.

The first point to be made is that although the law faculty is hoping for increased funding pursuant to the Faculty Review, it is not certain when the funds hoped for will be forthcoming. In addition, teaching assistants may not, according to Prof. Simmonds, mirror the academic goals of the law faculty. Those goals, which are consistent with practices in other Canadian law schools, emphasize seminars and research in small groups with professors, as well as grading by professors, rather than teaching assistant programs. Therefore, the faculty priority is to acquire full-time equivalents (called "F.T.E.'s" by those in the know), rather than the acquisition of teacher's assistants, who will not be as knowledgeable in their respective fields, and who will have less time to devote to the student because of constraints on his or her time (teaching assistants will be students who are themselves studying).

From the point of view of the teaching assistant, there are additional problems. The academic community, and, McGill in particular, is somewhat leery about rewarding teaching assistants with credits rather than financial remuneration. This is, in part, because the bulk of the time spent by the T.A. can be administrative by its very nature, and not academic. All right, so pay them. Where is the money going to come from? Prof. Simmonds asked. The University is likely to say that paying teacher's assistants is fine, but that the funds will have to be siphoned off from somewhere else. We can ill afford to stop hiring F.T.E.'s. And we certainly cannot withdraw funds from our lanugishing library.

All of Prof. Simmond's arguments are valid and had obviously been well thought out. However, I must admit that I have some reservations. The question of teacher's assistants need not be treated as an all-or-nothing proposition. It is not a choice between F.T.E.'s and teachers' assistants. Rather, it should be a balance between the recognized need for both types of instruction. First year students are, in some measure, more likely to benefit from informal gatherings with T.A.'s, while upper year students stand the most to gain from detailed and intense study under the guidance of a professor. On the other hand, it

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LETTERS

To the Editor,

Last week, a referendum respecting an amendment to the L.S.A. Constitution was rescheduled because it became increasingly clear that students did not feel informed enough to vote. The referendum will be held tomorrow; we hope to clear up any confusion on the matter.

The Constitution presently provides that all student representatives on Faculty Council sit on L.S.A. Council. On 30 November 1983, L.S.A. Council overwhelmingly adopted a motion to submit a constitutional amendment to the student body to the effect that at any time in the future, irrespective of how many student representatives at large there are, only one of them will sit on the L.S.A. Council. (This modification is modelled upon the system used by the Student Society with respect to student senators' relationship with the Society's Council.) The proposed amendment also provides that all student representatives would nonetheless have the right to speak at L.S.A. Council meetings. This, and the fact that one student representative would sit on L.S.A. Council, will guarantee that communication between the L.S.A. and student representatives is not eliminated. To become effective, the amendment must be approved by a student referendum.

There are two reasons for modifying the status quo. First, it does not flow from the rationale for augmenting student representation on Faculty Council that there should be a larger number of L.S.A. Council members. Indeed, the fundamental role of student representatives at large on Faculty Council is to represent student opinion on matters of Faculty policy, not on matters which concern the L.S.A. itself. The amendment would do much to define more precisely and make clearer the role of the student representatives.

Second, one consequence of having all student representatives on Faculty Council automatically sit on L.S.A. Council is to increase the size of the latter; one important objective of the Constitution adopted in 1982 was to decrease the number of Council members to a more manageable figure. Over the long term, the increase in student representation on Faculty Council will have the effect of increasing the size of L.S.A. Council, thus cancelling out the advantages sought two years ago. Moreover, as a question of principle, it seems hardly justifiable that because of the ratio between the size of Faculty and the number of student representatives on Faculty Council, the size of L.S.A. Council should depend not upon the needs of the L.S.A. or its particular constituencies, but on the size of the Faculty. At best, such a situation is anomalous.

We hope that any confusion has been eliminated, and that students will endorse the proposed amendment tomorrow.

Marc Barbeau
Student Representative on Faculty Council 1983-84

Todd Sloan
Student Representative on Faculty Council 1983-84

T.A.'s

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is the first and second year students who need small groups and supervision more in terms of their academic direction, a task ideally suited to a teacher's assistant, who is not likely to feel that his or her time is being wasted by explaining what the latin means, or why the names of parties get switched around on appeal, or what the difference is between a law and a statute, or any of the other things that it took me six months to figure out. In addition, a T.A. program provides an ideal way to involve graduate students more fully in the faculty.

Professor Simmonds seemed willing to accept that if there were sufficient funds to hire, say, five F.T.E.'s, then personally he would be amenable to the suggestion that a portion of those funds be set aside for teacher assistants. He did admit, however, that the faculty does not see this as a priority, although he said that it could be made one.

Well, it should be made a priority. If it is, professors will have more time to do the sorts of things they should be doing and are exclusively competent to do. These include key positions such as running the B.S.A. and supervising the Moot Court Board or the Law Journal. Students (upper year or graduate) cannot and perhaps should not do those things, but they should be permitted to receive financial compensation for a task that is eminently well-suited to a teacher's assistant.

Pearl Eliadis

Quote of the Week

"A lot of cases blur in the landfill at the back", Prof Baker, pointing to his head.

MEDECINE ET DROIT

Le patient: Un sujet en mal de droits?

Le patient nouveau-né souffrant de malformations congénitals.

La néonatalogie a fait des progrès considérables et permet de traiter des nouveaux-nés souffrant de malformations congénitales qu'il y a quelques années, il n'aurait pas été possible de remédier.

Ces progrès soulèvent cependant des questions juridiques de première importance. Le nouveau-né est évidemment incapable de consentir ou de refuser un traitement médical: qui devrait alors être investi du pouvoir de décision: les parents, les médecins, ou le juge? La solution qui semble être retenue dans la pratique courante favorise une collaboration étroite entre les parents et les médecins, allegeant ainsi le processus décisionnel.

Cette évolution de la science permet aussi de prolonger certains traitements apportés aux malformations congénitales, sans pour autant améliorer véritablement la condition de vie des nouveau-nés. Un prolongement "indû" d'une vie déjà hypothèquée ne risque-t-il pas de porter atteinte à la dignité du nouveau-né souffrant de ces malformations? Doit-on dans tous les cas "donner la chance au coureur" de voir sa situation s'améliorer même si l'état de l'enfant est pratiquement irréversible, ou alors plutôt faire prévaloir le respect de la dignité de cet enfant en évitant de le soumettre à des traitements "inutiles"?

Allocation du Ministre Pierre-Marc Johnson.

L'Honorable Pierre-Marc Johnson, ministre de la Justice (ex-ministre des Affaires Sociales) a mis l'accent, dans le discours de clôture qu'il a prononcé lors de ce colloque médico-juridique, sur le problème majeur des ressources matérielles dans le domaine des soins de la santé.

En effet, malgré le désir de toutes les parties (médecins, juristes, gouvernement, etc...) d'élargir et d'humaniser les services médicaux, la question des ressources financières demeure la plaque tournante de tout le fonctionnement des soins de la santé.

Les droits des patients, allègue-t-on, sont, par exemple, constamment bafoués et négligés; mais comment augmenter le nombre de lits disponibles en l'absence de fonds? D'autre part, soutient le Ministre, le remède au problème d'humanisation des soins ne se situe pas dans une action législative; sensibiliser et conditionner les membres du corps hospitalier à un changement d'attitude face aux patients serait une solution plus efficace dans cette marche lente vers une plus grande humanisation des soins.

Réconciliation difficile entre les droits des patients et les ressources matérielles et humaines....

Anne-Marie Gauthier

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by Lorianne Weston

A recent conference at the University of Montreal on Medicine and Law united students, professors, and experts from both fields, including Prof. Somerville and Prof. Knoppers of McGill University. Throughout the two days of workshops on specific topics, several themes emerged. These are: the balancing of patients' rights and needs against the obligations and needs of doctors; the ideals of society regarding health care versus the practical and financial realities of treatment; and the right of the individual to make choices versus the collective societal obligation to protect its members. In many cases, overlapping jurisdiction of the judicial system, medical system, and socio-political system, complicates the resolution of these already difficult problems.

The question of the patient's right to consent to medical treatment is affected by the recent Supreme Court decision of Reibel v. Hughes (1980) 2 S.C.R. 880. The standard test would now seem to be that of the "reasonable patient", rather than the "reasonable doctor". However, a study by Gerald Robertson indicates that since 75% of doctors are unaware of this decision, the practical effects on doctor/patient relations may be negligible. Dr. Charles Cahn, Director of professional services at the Douglas Hospital, discussed the inherent difficulties of consent to treatment by psychiatric patients. The greater the objections of the patient, the more the procedure should be justified by protection of the public welfare. Prof. Somerville analysed the situation in terms of a sub-structure of changing values, and a structure

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ELECTIONS

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revised strategy: he ran left of centre rather than right of centre. The centre, of course, being Attila the Hun.

Dan "I want some press" Bilak succeeded in his bid to become Vice President, Common Law. What would have been a close race turned out to be a substantial victory when Bilak, in the last days of the campaign, aligned himself with the "Free the Ukraine" movement. Bilak swears (sic) he is not tied to special interest groups but will work for all student be they Ukranian-English Canadians or Ukranian-French Canadians.

In a tight race for Vice-President, Civil Law, Bettina Karpel defeated two capable opponents. The only question now is, will Prof. Crépeau be able to ask for Mrs. President?

Perhaps the most interesting battle was that for the three student representatives on faculty council. Todd Sloan, riding a wave of "Todd mania", topped the heap of 10 contestants. Sloan promises to keep up the "Slo-an steady tradition", but refuses to wear a red rose in his lapel.

Gary "Don't call me radical" Lawrence, in spite of a low budget campaign and a refusal to rely on the Big Blue Machine of Forum National, was also elected as one of the student representatives. Lawrence assured reporters afterwards that his studies would not detract from his duties as student representative. As Lawrence hastened to point out, his school work has never interfered with anything he has done before.

The other student representative on faculty council is Daniel Gogek. Gogek wanted something more challenging than being Editor of the Law Journal for the coming year -- he felt trying to communicate with professors met that criterion.

There was a tight three-way race for LSA President: Richard Janda, Harold (sporting the new Elvis Costello look) and Kevin Ratcliff. Harold led in the early going but his base of support was not braod enough to carry him to victory. Ratcliff made a strong showing in the urban areas, edging out Harold for the consolation prize. However, this was not enough to beat Janda, who was strong both downstate and who had the machine get out the vote upstate.

Medecine et Droit

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embracing the issues of: competence, information, and voluntariness. The actual process is one of changing values (from paternalism to autonomy), which affect public policy. In turn this changes the theoretical structure and finally, the practical application. The change in public policy is the catlyst for the proposal of a Charter of Patients' Rights.

Faut-il une charte des droits des patients?

Dans notre système médical institutionnalisé, le patient voit souvent ses droits bafoués. Une charte des droits des patients y changerait-elle quelque chose? Le juriste invité répond que non, que les droits des patients sont déjà protégés par d'autres textes législatifs et que le problème se trouve au niveau de l'exercice de ces droits. Le directeur d'hôpital ne voit pas l'opportunité d'une telle charte, pusique le problème se situe au niveau du manque de ressources. Le fonctionnaire n'en voit pas non plus l'utilité et situe le problème dans la répartition de ces ressources. Bref, presque tout le monde est d'accord pour dire qu'il ne faut pas de charte des droits des patients, exception faite des quelques patients et médecins qui sont intervenus...

Le patient et le droit à la mort

Nous n'en sommes certes plus à l'époque où, comme en Angleterre au IXXième siècle, la tentative de suicide était passible de la peine capitale, mais le problème éthique et moral que pose l'aide au suicide et l'euthanasie se fait sentir aujourd'hui de façon particulièrement pressante, notamment à cause du développement phénoménal de la médecine au cours des dernières années. La loi doit-elle sanctionner l'euthanasie pasive et active qui se pratique apparemment dans les hôpitaux québécois? Doit-on maintenir en vie à tout prix le patient dont la condition est telle qu'il demande lui-même l'arrêt de ses souffrances? Qui doit décider dans le cas du patient non doué de discernement? Les dispositions actuelles du Code criminel ne mettent pas les professionnels de la santé à l'abri des poursuites judiciaires, les plaçant ainsi dans une situation délicate. Mais, peut-on modifier le droit actuel, tout en éliminant les risques d'abus? Autant de questions auxquelles il faut répondre en ne perdant pas de vue le droit au respect de la dignité humaine.

Denis Godbout

Firms want you to "be yourself" in the interview and are not impressed by forced aggressiveness.

Mr. Rankin indicated that McGill students were well regarded in Toronto, and that surprisingly few seemed to apply. He said that his firm is well aware that McGill tends to give lower marks than other schools. Finally, while he viewed the National Program as a positive thing, he did not feel that an edge would be given to students who had taken it.

LEBLANC

The Banking Community

by Rick Goossen

Theresa M. Leblanc, from the Royal Bank of Canada, spoke on "Practising as In-House Counsel in the Banking Community". Leblanc discussed the unparalleled growth in this area of law. Banks are expanding their range of legal services in order to fulfill the growing needs of corporate clients. For example, banks are moving into the securities area.

As a general rule, the legal department of a bank will get to know their particular clients well, and be in a position to provide whatever expertise is necessary. The legal department of a bank is part of a management team offering a comprehensive service for its clients.

Leblanc pointed out that banks have moved away from the approach that in-house counsel deal with simple matters, and that complex services are sent to outside firms. The largest amount of legal services distributed to outside firms is litigation, however the banks are trying to change that.

While the lawyer's tasks as in-house counsel may still be perceived as unidimensional, Leblanc pointed out that there is much opportunity to do creative work.

BARRY

Federal Civil Service

Stephen Barry, a Crown Prosecutor within the Federal Dept. of Justice, discussed "the tremendous variety of work" available in the Federal Civil service.

There are three general divisions in the Dept. of Justice, explained Barry. First, there are various specialized departments all with their own legal staff, dealing in such areas as international, constitutional, and human rights law.

Second, there are lawyers working as in-house counsel for almost every Crown corporation and commission. The governmental organizations requiring legal services are diverse: Dept. of Agriculture, CRTC, the National Gallery, and the National Parole Board.

Third, there is the litigation division of the Dept. of Justice which has regional offices in every major city.

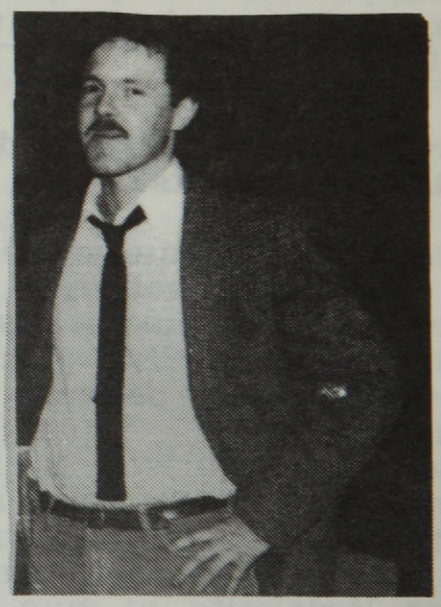
The number of lawyers employed by the Dept. of Justice is established by the Treasury Board. "The size of the staff does not necessarily correspond to the amount of work available", Barry added.

On a somber note, Barry noted that it is "exceptional" for articling students to be kept on after the initial year. Any vacancies are made available first to those employees in the particular department, then throughout Canada, and then in the private sector if necessary.

Barry explained how fortunate he was to be kept on at the Montreal regional office after his initial year of articling. In fact, he was the only student in 6 years to be retained.

Barry discussed the structure of a typical regional office, drawing on his experience in Montreal. There are usually three types of litigation. First, there is civil litigation. The concentration is primarily on administrative law maters such as compensation for work-related injuries and determining the residential status of immigrants.

Second, there is tax litigation. The regional office would deal with any appeals against tax assessments.



Third, there is criminal prosecution. This area includes any offences under the Criminal Code: tax evasion, drug-related crimes, extradition, and carceral law.

Any interested students should contact the Public Services Commission in Ottawa.

MACDONELL

Black Letter Law

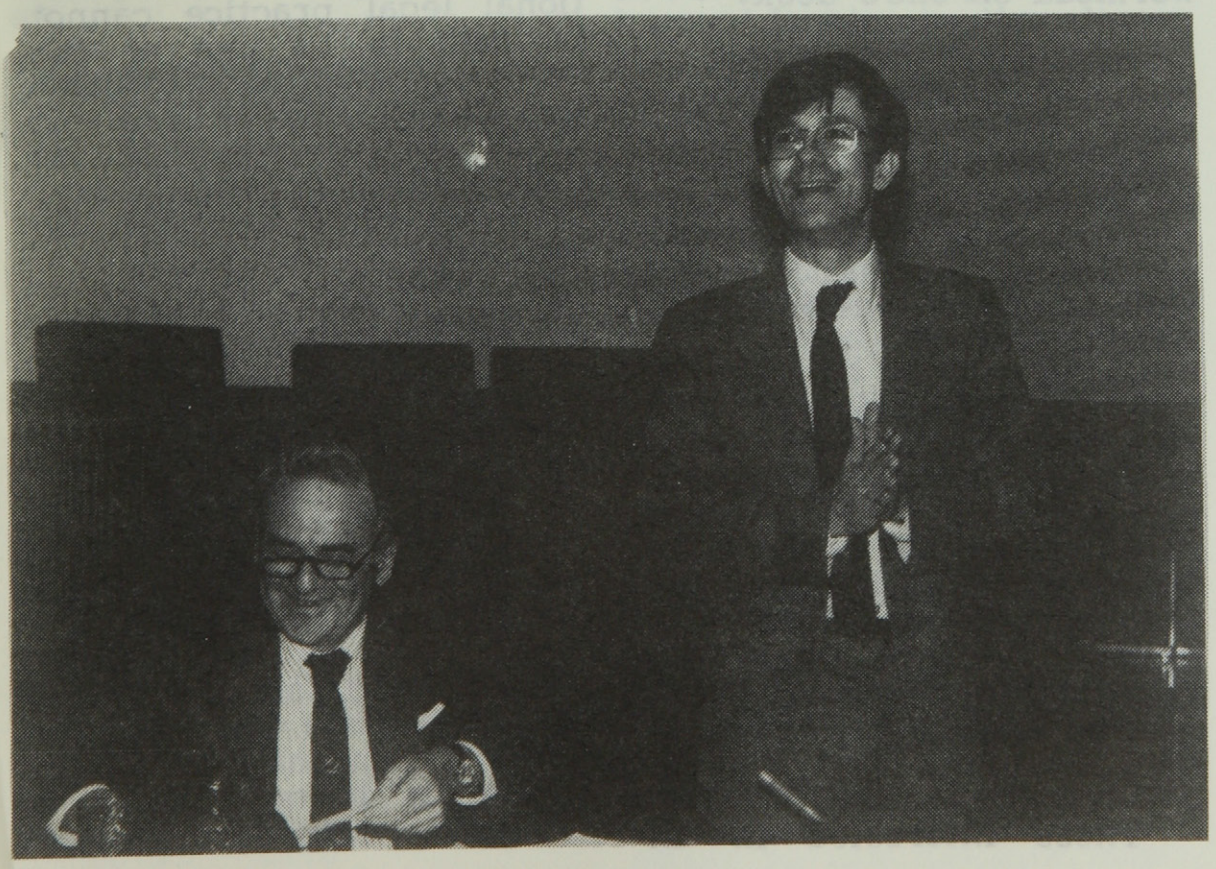
by Ian Fraser

Roderick MacDonnell is the Gazette's legal reporter. He says legal education is a great help. Journalism, too, requires, a capacity for analysis, a basic familiarity with how our society operates, and an aggressive independence.

However, an LLB or even a BCL will not get you an interview with the editor. You need clippings of your work. You might try the Daily, local papers, specialized American magazines that publish articles on Canadian cases concerning their field. In the meantime you might want to put some money in the bank, to prepare for freelancing. The Charter, he says, is as much a growth industry for journalists as it is for lawyers -- and people without law degrees find it difficult to cover trials and describe decisions.

Grace De Sousa

Tony Abruzzese



Thank You

As Stephen Fogarty, President of the L.S.A. Council, said at the end of the first annual Careers Day, "An event like this doesn't just fall out of the sky". The Careers Committee deserves the gratitude of the student body for planning this event. The members of the Careers Committee are:

Tony Abruzzese
Cheri Bell
Grace De Sousa
Vonnie E. Gilmore
Michael Hamelin
Marie-France Leduc

Representatives--Careers Committee

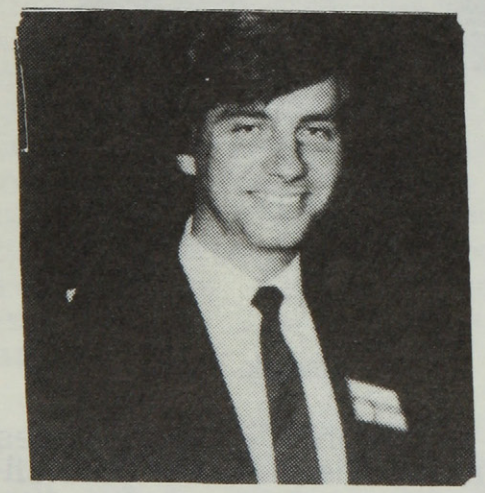
QUESNEL

Big Deals Under Big Skies

by Ian Fraser

For Raymond Quesnel of Burnet, Duckworth and Palmer, a Calgary law firm, there's only one word: oil. There are some firms in Calgary that aren't petroleum law specialists, but there are virtually none that do not do some oil business. The effect, when the associated securities and real estate business is included, is that one can do every form of corporate and commercial law in Calgary (save patents). "The one thing there isn't a lot of," says Quesnel, "is labour law".

Alberta schools give courses in petrolaw, but this is not really necessary. Nor is there any bias against Easterners; in fact, Quesnel's firm looks for diverse geographic backgrounds. Although there is



no fixed application period, one should be early -- so if you want to article in Alberta 1985-86, apply last January. Include your marks (tack on the undergrad, if your law marks are all consonants), and references. You won't need character references until applying for admission to the bar. Articles take twelve months, starting September 1, during which period you do two assignments a month by way of bar school.

It's not the Golden West anymore, but the economy is picking up and there is a lot of hiring going on. There are also hopes for renewed progress with the next federal election. So if the Bay Street coffee by the beer stein, packs of cigarettes a day and grey by the time you're forty scene leaves you dry, consider Alberta. That is, Calgary, or Edmonton, Quesnel did not discuss law practice in whatever else there is, saying there would be culture shock enough moving to either of these cities. But the skiing....

DEMESTRAL

International Law

by Eric Belli-Bivar

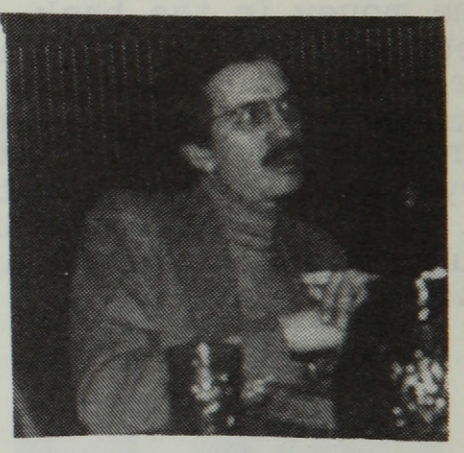
Prof. de Mestral spoke on the career opportunities available in the international field in Canada. He noted that Canadian involvement in the international forum -- in both public and private law -- was in the formative stage. This was not to say that positions were not available, but rather to indicate that drawing one's practice exclusively from an international clientele might leave a sparse workload on one's desk.

With respect to the public international law dimension, there was External Affairs as well as the Dept. of Justice. Many students were perhaps not aware that the Dept. of Justice dealt with issues of public international law.

Prof. de Mestral also pointed out that there were jobs on the international scene in such government departments as communications and transportation but that these jobs were less legal in nature than the types of employment which lawyers are usually involved in.

Those interested in an international practice might want to set their sights beyond Toronto and consider Washington or New York where such "multi-nationals" as Cuder Bros. and Baker & McKenzie maintain offices. These quasi-representational/lobbying firms were gradually developing in Canada, but, Prof. de Mestral notes, it would likely be another 10 to 15 years before we saw anything of a comparable size.

International organizations such as the UN, the World Bank, IATA and ICAO also present viable options to the internationally inclined law graduate. Canadians were to be considered at an advantage in getting such positions because of the relatively high turnover rate.



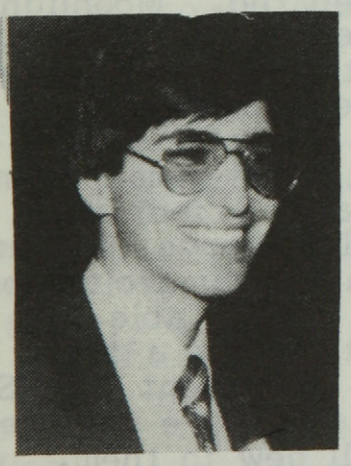
On the whole, international legal practice cannot be said to be one of the major areas of specialization in Canada today. It would appear from Prof. de Mestral's talk on Friday, however, that it is an up and coming one.

STEINBERG

Recruitment Prcedures at Ogilvy Renault

by Eric Belli-Bivar

Those students pursuing the Civil Law degree alone will be at no disadvantage vis-à-vis their National Law counterparts in the selection procedure for Ogilvy, Renault's Montreal office. So said Me. Steinberg, who spoke to an inquisitive group of students all of whom were evidently anxious to learn about the "behind the scenes" recruitment procedures at one of Montreal's largest law firms. However, he did hint that National Program students could have an edge when applying to the new Ottawa office. Of the approximately 350 job applicants in Québec last year, 175 were invited to a "Preliminary Interview" with a 2-person team, one of 4 such teams assigned to applicants from specific law schools. Of those 175, 55-60 were requested to attend an informal discussion with all of the eight members of the articling committee. "At Ogilvy, Renault, recruitment is taken very seriously" was clearly the message conveyed.



So how does one get to be one of the 175 who are given a positive response to the request for an interview? Marks, Me. Steinberg indicated, are the starting point for the firm and may include an examination of all post-secondary results. Special circumstances aside, your marks must place you in at least the top half of your class before your dossier receives any further consideration. In addition, your c.v. should bear the signs of thoughtful effort though the firm understands that not all students have access to professional secretarial services. Insofar as the firm considers itself to be completely bilingual, a competence in both languages is essential.

If you fit the bill, you can look forward to wandering through the largest private law library in Canada, and a predominately corporate/commerical setting. Even if you don't quite hit the mark, send in a c.v. anyway, for it was clear that Ogilvy Renault encourages <u>all</u> to apply.

RANKIN

Law in The Big Lemon

by Richard Janda

The myriad joys of applying for articling positions in Toronto were expounded in learned fashion by Mr. Norman Rankin of McCarthy & McCarthy and Mr. Harold S. Springer, Director of Osgoode's Articling Office. Here is a run-down of some salient points:

Bar Courses

The good news is that less than 1% of people enrolled fail the Ontario Bar courses. The bad news is that by the time the courses are over, 30% have yet to find a job. Apparently one should not be too concerned with matching law school courses to the 12 areas taught by the Law Society of Upper Canada. Experience suggests that studying the course material is more than sufficient.

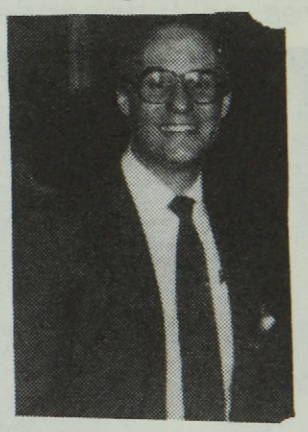
Key Dates for Articling Application

<u>July 31</u>: This is the deadline for applications. While all timely applications are to be treated as if they arrived July 31, in practise it helps to send them early because they are processed in the two weeks prior to this date. No letters can be sent or telephone calls made by firms to applicants until 9:00 a.m. July 31. Stay by your phone and don't hesitate to call the firms after noon on July 31 if you haven't heard by then.

<u>August 20</u>: Interviews begin. Offers must be kept open until 9:00 a.m. Friday August 24. They are made on August 20, 21, or 22. In practice, the larger firms will have most positions filled by Thursday. However, many offers will still be made into the week.

Pointers:

Schedule at least an hour and a half per interview.



Attempt, where possible, to write to personal contacts at firms.

In your resumé, do not put "references available on request" -- either put them in or do not. Firms making rapid decisions on applicants may occassionally phone a reference and do not need the bother of having to get back to you to find out who the reference is.

Attempt, where possible, to specifiy your interest in the firm in your covering letter.

Cont'd on p. 8

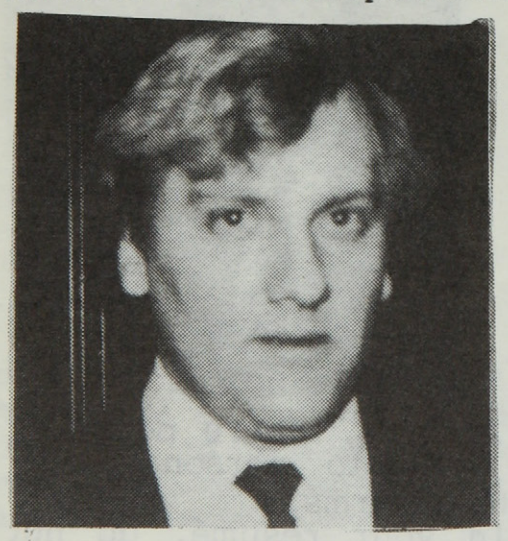
CAREER DAY '84

LABRECHE

Opportunities in the Notarial Profession

The first speaker at last Friday's Career Day was Me. Michel Labrêche. This engaging and amiable notary is an associate at the fledgling two-man Laval firm of Théoret & Labrêche. In practice for a mere eight months, his rawness was refreshing and a marked contrast with the jaded downtown lawyers.

There are 2700 notaries in Quebec, of which 2300 are in active practice. The others go to brasseries to exchange stories. There are 1,200 firms whose size range from the 20 member firm of Tees Watson to myriad one-member firms (rugged individuals who like to think of themselves as independent).



After obtaining a law degree, one can go to one of four Notarial Schools (U. of Mtl, U. of Sherboorke, U. of Ottawa, U. of Laval), and undergo rigors equivalent to Bar School. McGill graduates whose mastery of Molière is less than spectacular can go to U of M. where they'll find an English ghetto. U of M. must accept McGill graduates.

If it was not already clear, Me. Labrêche indicated that the nature of the profession was such that proficiency in French is vital. Indeed, in drafting documents, one must be aware of the nuances of the language and be sensitive to "le mot juste."

Apart from the 22 to 25 exams during the year (worth a cumulative 50%), there is also a final 12 hour exam worth 50% over the course of two days. To avoid anxiety attacks, Me. Labrêche advises some summer employment in a Notarial firm. He estimates this will increase one's average by 20%.

Me. Labrêche finally told us that the notaries are vibrant and dynamic, and a far cry from the stereotype we have of them as sedentary myopic pedants. He was trying to be convincing.

Ezio Carosielli

PRIMEAU

Bar School -- Preparation and Examination Process

To those who attended this speaking engagement, it was evident that Me. Robert Primeau was a well-read man. In private practice for 11 years, the speaker joined Le Barreau in 1982. He is responsible for "Le service aux membres."

McGill underachievers will be gratified to know that the bar failure rate is a mere 30%. However, even those who fail will be taken care of, as the Bar has an exchange program with the Fédération des Restaurants du Québec. The type of work offered is not law related.

Bar School is an athletic event equivalent to middle distance running. It is unlike sprinting which requires a quick burst of cramming, and unlike life which merely requires breathing. There are six exams in six months. Each exam comprises some 3 or 4 law courses. Exams are 3 hours plus one hour of grace and prayer. The passing mark is 60%. Exams will have to be retaken unless one obtains between 50% and 60%, and one maintains a 65% average, in which case a burnt offering will have to be made.

Classes at Bar School are 3 hours per day and, surprisingly, students have to be prepared. Moonlighting, Crescent and other nocturnal activities like sleeping are frowned upon.

Although some information circulars indicate Bar School to serve the purpose of "rappel du droit substantif", I was able to learn that this was a typo. Indeed, as recent Bar School graduates have admitted, it was all new to them.

For those eager to know more about the Bar, you may get a copy of "L'Ecole du Barreau Annuaire 83-84", in the library or at 70 ouest Notre Dame.

Ezio Carosielli